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## ORCHARD INTERVIEW CREATES SENSATION

### Judge Wood Directs the County Attorney to Take Legal Action if Inquiry Warrants It.

#### Palpable Attempt Upon the Part of Governor Gooding to Influence Jurors and Public Sentiment.

Boise, Ida., May 17.—Judge Fremont Wood, who is presiding at the Steunenberg murder trial, today directed the prosecuting attorney of Ada county to make an investigation of the circumstances under which Harry Orchard was interviewed for publication yesterday, and to take any legal steps that his inquiry showed to be warranted.

Boise, May 17.—When the Haywood trial was about to begin this morning Judge Wood caused a decided sensation by announcing that he had read in the morning papers several articles concerning an interview with the state's most important witness against the defendant. Judge Wood declared the publications were highly improper, coming as they did during the impaneling of the jury.

"While they appear to the court as not precisely in contempt," continued Judge Wood, "they are nevertheless calculated to influence the jury in this case. Something must be done to prevent a recurrence of this if we are ever to get a jury. The court is much surprised at this publication at this time and will be glad to hear from counsel on the subject."

#### Hawley Pleads Ignorance.

Mr. Hawley, senior counsel for the state, arose.

"We are now and always were opposed to the publication of anything at any time tending to prejudice the jurors," he said. "Just how the court can prevent a recurrence except by a personal request to the newspaper men, I do not see."

Judge Wood interrupted:

"If the purpose of these publications was to influence the jury there is a way to reach it," he said significantly.

"If the court's request does not prove sufficient," said Mr. Hawley, "its power might be well exerted to prevent a recurrence in the future. We of the prosecution will heartily assent to any method the court may adopt."

When Mr. Hawley had again taken his seat Mr. Richardson, of counsel for the state, said:

"I do not know and I do not say that these publications of this morning come from the prosecution. But they are very obvious. The presence of prospective jurors alone prevents my saying what I would otherwise."

#### Richardson's Strong Language.

Judge Wood ordered all members of the special jury panel to leave the court room, excluding them for one hour. He then directed Mr. Richardson to proceed.

"I want in the first place," said the attorney, "to exonerate counsel for the prosecution from what has occurred. This man Orchard, after being sequestered for fifteen months, is suddenly made accessible at this time while we are in the midst of jury selection. It occurred in the examination of one of the jurors the other day that there was some prejudice against this man Orchard and his testimony. Therefore the governor of this state organizes a party and takes the newspaper fraternity—not all, but the representatives of the Associated Press, and that portion of the press which is reporting the trial agreeably and colorably, down to the corner where the trial is held. Is the supreme officer, and has them interview this man."

"It was done, your honor, for the express purpose of influencing these jurors—to give credence to this witness."

**Cowardly and Dastardly.**

"It was a dastardly outrage on his defendant. Anything that the court can do to protect itself and the jury from the influence of him the fair trial to which he is entitled, will be heartily seconded by me."

"We do not believe the attorneys for the prosecution are responsible. We have been watching them closely, and if they think they have done anything that we do not know they are much mistaken. I call on them now to denounce these things as emphatically as we have done."

"We especially object to the purported interview of the governor, saying what he had done to establish the credence of the witness."

"If it was not patent before that the governor of this state never intended that this defendant should have a fair trial, it is very evident now."

#### Remarks by Mr. Darrow.

Clarence Darrow, for the defense, was the next to be heard.

He said: "There can be but one pur-

pose in this joint reception of Governor Gooding and his friend, Mr. Orchard. He said to influence the case at this time. I scarcely know how to frame my attitude in proper language. It seems to me that this effort to give Mr. Orchard credence must have come from the disclosures made here as to the attitude of certain talesmen.

Mr. Darrow characterized Orchard's statements as maudlin religious idiocy. He said that every man must know that the statement of the governor as to Orchard's waiver of immunity was manifestly untrue. He said it was absurd to think that a man would willingly put the halter around his neck. Mr. Darrow exhorted the prosecution from any hand in the matter, but denounced the incident as the most flagrant attempt to influence a juror he ever saw.

#### Court Sends for County Attorney.

Judge Wood interrupted to ask that the county prosecuting attorney be sent for. Mr. Darrow said he had not yet thought enough to say what ought to be done in the premises. It might be that the case should not be tried at this time. "We are entitled," he went on, "to try this defendant face-to-face with all the witnesses against him. I think the governor should be called in here before the court. Not another citizen of the state is so much responsible as he. He at least should first be called. If this matter calls for contempt he should be punished."

Darrow said the newspapers should be given to understand what is expected of them in the administration of justice. He closed by saying that he was prepared to leave the matter to the court.

#### Regrets of Mr. Hawley.

James H. Hawley, leading counsel for the prosecution, followed and spoke at considerable length. He said that he might regret the case, but he disclaimed any responsibility. Mr. Hawley pointed out that for the past several days there had been a continuous circulation of papers misstating what was evidence or that purported to be evidence, and evidently intended to influence the case. "This particular witness (Orchard)," he said, "has been continually referred to in a manner calculated to prejudice him in the public mind. Persons who are interested in the defense have, we admit, talked to prospective jurors. This we have heard of and only this morning. A matter of this kind was reported to us, and we have taken place on the lawn of the courthouse."

Returning to the case in hand, Mr. Hawley pointed out that the position of Orchard had for the last year been consistently and persistently misrepresented. The prosecution had been assigned newspaper men for an interview with Orchard.

#### Governor's Remarks Damaging.

Mr. Hawley, referring to the published interview with Orchard, said that he could see no reason why the authorized representatives of the Associated Press should not have been allowed to see Orchard in order that it might give the public information as to the mental or physical condition of Orchard. Mr. Hawley said he saw no objection to this. He could not see how any right of the defendant could be impaired. He could, however, understand how an interview with the governor, purporting to give an expression of opinion by the governor, might have a bad effect. Mr. Hawley did not believe that there was any idea on the part of Governor Gooding that what he had said would have any influence on witnesses or jury.

Mr. Hawley said the prosecution heartily deprecated anything that would in any way influence the case. So far as the good taste in the matter was concerned he agreed with the defense, but as to the effect he entirely disagreed.

"The court would like to be advised as to its duties in the case," said Judge Wood.

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Where the Car Stops.

## VENGEANCE OF GOSSACK GUARD

### Workmen at Lodz Shot Down Because Mail Wagon Had Been Attacked.

Lodz, Russian Poland, May 17.—Forty-five officials and workmen of Kuttner's spinning mills were shot down this morning by a patrol of Cossacks because a band of terrorists attacked a mail wagon in the neighborhood, killing a Cossack guard and wounding another Cossack and two postoffice officials.

While the wagon was passing through anokova street the terrorists suddenly appeared from a side street, opened fire upon the Cossacks, seized \$1,000 from the wagon and escaped. A moment later a patrol of Cossacks arrived upon the scene, and, infuriated by the fate of their comrades, rushed to the Kuttner factory, which was near the spot where the robbery occurred, and began firing indiscriminately, killing sixteen and wounding over thirty persons.

The greatest indignation prevails here, as it is claimed that the employees of the factory had nothing to do with the attack upon the mail wagon.

#### Noted Terrorist Dead.

Moscow, May 17.—Belenzoff, the man who carried out the great Moscow bank robbery March 20, 1906, when a band of terrorists secured \$75,000, and who escaped by train while being escorted from Switzerland, died in the prison hospital here yesterday of consumption. The general belief has been that the police allowed Belenzoff to get away on condition that he betrayed his accomplices and others, and that he has been living here under police protection ever since his "escape" was announced. Belenzoff was possessed of the dementia that several terrorists were attempting to kill him for betraying his comrades.

#### Murder and Robbery.

Warsaw, May 17.—A band of terrorists held up the city office of the Vistula railroad on Duga street at 10 o'clock this morning and got away with \$5,000 after a severe fight, in which four persons were killed and two wounded. The office was full of people at the time, and soldiers were guarding the approaches, but the terrorists attacked them with revolvers, killing two and injuring four of the guards before they reached the place where the money was kept. Then, snatching up a bag containing \$5,000, the men ran out of the office. The soldiers fired a volley at the fleeing terrorists, but only succeeded in hitting some bystanders, two of whom were killed and five wounded.

#### E. H. CONGER DYING.

Pasadena, Cal., May 17.—E. H. Conger, formerly United States ambassador to Mexico, is still hovering between life and death at his home here.

"He is growing weaker," was the official statement made today by those in attendance. "His condition, if there has been any change, is worse."

#### DENVER LAWYER DEAD.

Denver, Colo., May 17.—J. Warner Mills, one of the foremost lawyers of Colorado, and author of legal books, died today of typhoid meningitis. He was born at Lancaster, Wis., July 6, 1852, and was a son of Joseph T. Mills, who served many years as a judge in Wisconsin.

## MORE VICTIMS IN THE DRAGNET

### Several Prominent Men of Lewiston Will Stand Trial for Land Frauds.

Moscow, Idaho, May 17.—Several men prominent in the business and municipal affairs of Lewiston were this morning made co-conspirators to the North Idaho land scandal when the prosecution filed with the defense the names of these men in the indictment recently returned at Boise.

The list includes C. W. Colby of Colby, Correll & Howe, a wealthy lumber and sawmill firm; M. C. Scott, employed in the city engineer's department; Ed Knight, a former street car commissioner; Fred Emerick, a fuel dealer; H. J. Steffy and H. B. Benton, timbermen; E. P. Bliss, Pierce, district mining and timberman.

While the government at this time refuses to assume responsibility for the charges, it is intimated that a conviction is secured in the conspiracy case which goes to trial this afternoon, these men will be made defendants in a big conspiracy case to be tried later in the term.

## AFRAID OF CANNED BEEF

### Stomachs of Foreigner Evidently Not Settled Since the Inquiry of Last Year.

Washington, May 17.—Continued decrease in the exportation of canned beef is shown in a statement issued by the bureau of statistics of the department of commerce and labor today. The falling off in this trade is not general to any one country, but is general.

The exports of canned beef for April last amounted to \$98,017 pounds, against \$421,000 pounds in the same months of last year. For the ten months ending with April, the exportations showed but 13,082,703 pounds, against \$6,730,873 during a similar period last year. This seems to indicate, it is stated, that the total value of canned beef exported in the fiscal year 1907 will scarcely reach \$1,500,000 in value, compared with \$6,500,000 during each year, the past two years.

## MR. CUNNINGHAM RESIGNS

### Democratic County Committee Holds Interesting Meeting and Discusses Political Situation.

The Democratic city and county committee held a special meeting at the law offices of Moyle & Van Cott in the Deseret National bank building last night, and accepted the resignation of M. F. Cunningham as chairman of the committee.

An excellent representation was present from all the wards of the city. Resolutions were adopted thanking Mr. Cunningham for his work as chairman of the committee, and expressing the greatest regret at his leaving that position.

Resolutions were also adopted expressing appreciation of the services of Rollin W. Dole, secretary of the committee, who resigned when he went to California.

A general discussion of political conditions throughout the city, county and state was indulged in, but no other formal business was transacted.

## COMPELLED TO PAY FULL RATES

### Railways May Not Ship Over Another Line for Less Than Outsiders.

Washington, May 17.—An important circular issued today by the interstate commerce commission contains two administrative rulings which are of special interest, both to the railroads and the shipping public. In the first the commission expresses the opinion that under the law a carrier, or a person or a corporation operating a railroad or other transportation line, cannot, as a shipper over the lines of another carrier, be given any preference in the application of tariff rates on interstate shipments. In other words, one carrier shipping its fuel, material or other supplies over the line of another carrier must pay the legal tariff rates applicable to the same commodities shipped by an individual.

#### One Possible Exception.

The commission suggests that there may be some instances, such as the movement of trained fuel, in which, in order to keep trains or boats moving, special rates can be given without creating unjust or unwarranted discrimination.

It is said there probably is not a railroad in the country that has to pay the regular tariff on all its supplies from the initial point to the point of destination. This is especially true of coal used by the railroads for fuel purposes. Coal shipped to a given point from the mines for a railroad at a rate far below that which a dealer at the point would have to pay in freight charges, the commission holds, is in effect a discrimination and that the railroad must pay the same tariff as the individual.

#### Return of Astray Shipments.

The second ruling relates to the return of astray shipments. "Instances occur," says the commission, "in which, through error or oversight on the part of some agent or employee, a shipment is billed to an erroneous destination or unloaded short of destination, or is carried on. The commission is of the opinion that in bona fide instances of this kind carriers may return such astray shipments to their proper destination or course without the assessment of additional charges, and may arrange for such movement of such astray shipments for each other on mutually acceptable terms without the necessity of publishing, posting and filing tariff under which it will be done."

The commission will soon issue one tariff circular containing in revised and correct form all the live matter which has been contained in its tariff circulars 1A to 12A, inclusive, and which will cancel former issues.

## LIFE PRISONER GETS OUT OF IDAHO PEN

Boise, Ida., May 17.—Andrew Gilbert escaped from the state penitentiary tonight. He was serving a term for life for murder in the first degree, having been sent from Idaho county June 6, 1901. Gilbert was a "trust" and one of the men who had charge of the prison power house. When a man went out to the power house at 10 o'clock to relieve him, he was missing. The fugitive is 50 years of age.

## KUROKI COMING TO SALT LAKE

### Distinguished Japanese General and Vice Admiral Ijui to Make Stop at Zion.

#### ENTERTAINED IN NEW YORK

#### GRAND BANQUET AT THE HOTEL ASTOR.

New York, May 17.—The entertainment of the Japanese army and navy officers now in New York reached its climax tonight in a banquet given in the grand ball room of the Hotel Astor by prominent citizens of the city. The official guests of honor were Viscount Aoki, the Japanese ambassador to the United States; General Baron Kuroki and Vice Admiral Ijui of the Japanese army. Included with them were the members of General Kuroki's party and officers of the Japanese cruisers Tsukuba and Chitose, Admiral George Dewey, the senior officer of the United States navy, presided.

At tonight's dinner the principal address was made by Secretary Oscar Straus, who after describing the ties of friendship existing between Japan and the United States, declared that the Japanese were too wise to permit the San Francisco school incident, which was fostered by ignorance and propagated by injustice, "to cloud their just appreciation of the enlightened spirit of American institutions."

#### Enjoyed a Day of Rest.

Today was a day of rest for the visitors. During the morning General Kuroki received formal calls from Admiral Dewey and Major General Frederick D. Grant, commanding the department of the east. Tomorrow morning General Kuroki and his party will be the guests of General Grant at Governor's Island, the headquarters of the department of the east, and in addition to the island will be shown such portion of the harbor defenses as the government feels at liberty to show. In the afternoon the general and his party will be taken to the races at Belmont park.

On Sunday General Kuroki will give a luncheon at the Hotel Astor, at which a few of those who have seen more prominently in the entertainment of the visitors will be guests. At this time there will be announced to General Kuroki the formation of an American-Japanese society, which will have for its object the furtherance of closer and more friendly relations between the two countries. Admiral Dewey is mentioned as president of the new organization.

#### Coming to Salt Lake.

After a visit in the New England states the party will go to Niagara Falls, Chicago and Rock Island, where the government arsenal will be visited; Minneapolis, St. Louis, St. Paul, Kansas City, Fort Leavenworth, Salt Lake City, San Francisco, and will sail from Seattle for Japan June 11.

## PEARY'S PLAN IS CHANGED

### Explorer Expects to Reach the North Pole This Time—Half the Money Needed Subscribed.

Boston, May 17.—Commander Robert E. Peary has decided upon some changes in his next attempt to reach the north pole, according to an interview with the explorer published today.

"The main improvement over the last plan," said the explorer, "will be that I shall continue farther to the westward along the North Grant land coast and then when I take to the ice I shall bear to the windward and thus offset the continuous drift to the east."

"The second great difference will be that I shall so arrange matters that there can be no recurrence of the unfortunate contingency that cost us the prize last year. There will be no separation of the parties this time as there was last, and I shall have the relay system so perfected that at that time, in any event, I can reload ample supplies and put forward the pole party. For the rest, there will be no dogs and the Eskimos just as upon the former expedition. This time I shall win."

Commander Peary said that he had that the necessary \$100,000 for the expedition, half of which has already been subscribed, would be forthcoming soon. He denied the reports that his wife would accompany him upon the next polar expedition.

#### JURY FAILED TO AGREE.

Pittsburg, May 17.—The jury in the Shelby St. Paul Tube company case, in which J. Jay Dunn, superintendent, and Charles L. Close, assistant superintendent of the Greenville plant of the company, were charged with conspiracy to defraud the company by the alleged installation of defective boiler tubes in warships, announced this afternoon that they could not agree on a verdict. The defendants renewed their bonds for appearance at the October term.

#### UTAH NOT HONORED.

(Special to The Herald.)

Washington, May 17.—The secretary of the navy has decided not to name one of the new battleships after the state of Utah. One will probably be named Delaware, the other name yet to be agreed upon. Utah and South Dakota are the only two states which are not recognized on the naval list, and probably if a new battleship is built, one will be named Utah.

## PRESBYTERIAN ASSEMBLY COMES OUT STRONG FOR OBSERVANCE OF SUNDAY

Columbus, O., May 17.—New impetus was given to the movement for Sunday observance today by the Presbyterian general assembly, when resolutions were adopted looking to a thorough organization for its advancement. Practically the entire afternoon was given to the discussion and adoption of the report of the special committee on the subject. A provision in the resolutions urged Presbyterian families to give preference in buying to those merchants who close their shops on Sunday.

but was stricken out on the ground that it would be effective amount to a boycott. The resolutions adopted recommended the appointment of a committee in each presbytery to promote the movement for Sunday observance; urge ministers to discourage funerals on Sunday; discourage of sports, excursions and other secular activities on Sunday; the omission of Monday recitations in colleges and seminaries so as to enable students to observe Sunday; favoring a Saturday half-holiday for all workers; and condemning Sunday newspapers. It was stated that there are now more than 6,000,000 persons employed on Sunday in the United States.

## CITY WARRANTS AT BIG DISCOUNT

### Salt Lake Seems on Verge of Serious Financial Trouble.

#### BIRCH DEMANDS HARD CASH

#### CONTRACTOR WANTS REAL MONEY FOR WORK DONE.

Warrants of Salt Lake City are selling at from five to ten per cent discount at the local banks, with few takers. Scrip is quoted at from 20 to 30 per cent discount with no takers.

This condition has existed for a considerable period and is growing worse. A short time ago warrants could be disposed of by holders at par or only a slight discount and scrip was taken at from 10 to 15 per cent below par. Far seeing members of the city council will readily admit that the city is in a bad way financially and it is known that the administration is straining every nerve to maintain the city's credit, which has never before been so low.

At the recent secret caucuses of the American party caucus and city officials this problem was considered in all its aspects. For a time it was thought that a remedy had been devised. It was to call in all the scrip issued and substitute for it warrants. But this hope has passed for the time being because the banks will not handle this paper without exacting a large discount. Worst of all, no one seems to know, but all admit that it will take heroic measures to keep the "ship of state" afloat until election.

#### Holds Up Public Work.

This lack of faith on the part of conserving banks has the city's ability to pay its debts has been one of the most important causes for the holding up of public work. The sidewalk contract held up by S. Birch is a case in point. Mr. Birch has twenty miles of sidewalk uncompleted. He refuses to go ahead because he cannot secure any money from the city.

"The city owes me \$23,000, and I will accept nothing but cold hard cash," he said last night.

#### All Time Warrants.

Mr. Birch explained that the warrants which the city has been issuing are all time warrants. He said that he was able to dispose of the scrip at about 10 per cent discount, and the warrants at 20 per cent. Now I can't sell the warrants much above a 10 per cent discount and the banks won't accept the scrip at all."

"How long since you have received any money?" he was asked.

"The last payment to me on my 1906 work was made last December, partly in scrip and partly in warrants. I was able to dispose of the scrip at about 10 per cent discount, and the warrants at 20 per cent. Now I can't sell the warrants much above a 10 per cent discount and the banks won't accept the scrip at all."

#### Money in the Bank.

The report of the city treasurer for April shows that at the close of business April 30 the city had approximately \$100,000 on deposit with the local banks. It is divided among the various funds and the street fund has about \$100,000 to its credit. About half of this is paid to the city's portion of the work now under way.

The city has money, but it can't use it to maintain its credit. Mr. Birch is that, although he was ordered paid in warrants some time ago and although several estimates have been approved by the city auditor refuses to issue the warrants because he doesn't concur in the attorney's opinion that they are legal.

The auditor also blamed a failure to get out warrants even after their legality has been proved. Weeks and weeks have elapsed because of this. Contractors have been angry, but their anger has done no good, as the auditor did not increase his speed.

The fact is that the longer the issuance of warrants is delayed the more time the city will have to catch up a little.

#### Nature of Warrants.

It might be explained in this connection that warrants are issued for a definite period and are repayable in five installments. They bear 6 per cent interest and are issued in values of \$1,000. At the end of one year \$200 with interest is due, and the city has the option of taking up the entire warrant at that time or at the end of any annual period.

Scrip is issued against the individual tracts of property assessed for special improvements. It has no definite time of redemption, and bears 6 per cent interest. Much red tape is necessary before the holder can obtain cash, and the redemption is only made when the property owner against whom the property is assessed, in drawn pays his assessment. For this reason scrip issued today may be called in tomorrow but the law of the city makes the cumbersome process necessary to redeem it make it undesirable to the banks under any consideration.

#### ENDED HIS AGONY.

San Francisco, May 17.—Robert Glenn, a former resident of Santa Rosa, committed suicide in Oakland last night by cutting his throat with a razor. He was related by marriage to Congressman Duncan McKinlay. He had recently undergone a surgical operation and believed that he had not long to live.

#### BURNED TO DEATH.

Pocatello, Ida., May 17.—In a fire here this morning the Elite clothes cleaning establishment, caused by a gasoline explosion, Ed Taylor, one of the proprietors, was burned to death. The building gutted. The body was horribly charred.